

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application) PATENT APPLICATION
Inventor(s): David L. Multer, et al.)
SC/Serial No.: 09/491,694) Art Unit: 2781
Filed: January 26, 2000) Examiner: Unassigned
Title: DATA TRANSFER AND)
SYNCHRONIZATION SYSTEM) Customer No. 23910

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DECLARATION FOR PATENT APPLICATION

OFFICE OF PETITIONS

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if one name is listed below), first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought in the invention entitled:

DATA TRANSFER AND SYNCHRONIZATION SYSTEM

the specification of which (check applicable ones):

is filed herewith;

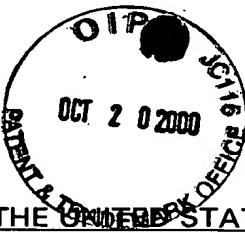
was filed with the above-identified "Filed" date and "SC/Serial No."

was amended on (or amended through) ____.

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I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the examination of the application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



IN THE UNITED STATES PATENTS AND TRADEMARK OFFICE

In re Application of:	)	<u>PATENT APPLICATION</u>
)	
Inventor(s): David E. Multer, et al.	)	Art Unit: 2781
)	
SC/Serial No.: 09/491,694	)	Examiner: Unassigned
)	
Filed: January 26, 2000)	
)	
Title: DATA TRANSFER AND SYNCHRONIZATION SYSTEM)	<u>Customer No. 23910</u>
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CONSENT OF ASSIGNEE TO CORRECTION
OF INVENTORSHIP UNDER 37 C.F.R. §1.48

The below-identified Assignee hereby consents to correction of the named inventors in the above-identified patent application as set forth in the accompanying petition which adds Robert E. Garner, Leighton A. Ridgard, Liam J. Stannard, and Donald W. Cash as inventors.

The undersigned certifies that Assignee is the owner of a right, title and interest in the above-identified patent application by virtue of an assignment from the inventor(s) to Assignee and that a true copy of the assignment(s) is (are) attached hereto.

The assignment has been reviewed and to the best of the undersigned's knowledge and belief, title to the above-identified patent application is in the Assignee. The undersigned (whose title is supplied below) is empowered to sign this certification on behalf of the Assignee.

Assignee: fusionOne, Inc.

Assignee Type: Corporation

Signor's Name: David L. Multer

Signor's Title: Vice President of Engineering and Chief Technical Officer

Signature: David L. Multer Date: SEP 27, 2000

(1) Full name of first joint inventor: David L. Multer

(1) Residence: 32 Eastridge Drive
Santa Cruz, California 95060

(1) Post Office Address: Same as above

(1) Citizenship: United States

(1) Inventor's signature: 

(1) Date: SEP 27, 2000

(2) Full name of second
joint inventor: Robert E. Garner

(2) Residence: 309 Hidden Wood Court
Lawrenceville, Georgia 30043

(2) Post Office Address: Same as above

(2) Citizenship: United States

(2) Inventor's signature: 

(2) Date: 10/9/2000

(3) Full name of third
joint inventor: Leighton A. Ridgard

(3) Residence: 4152 Flakes Mill Manor Lane
Ellenwood, Georgia 30294

(3) Post Office Address: Same as above

(3) Citizenship: United States

(3) Inventor's signature: Light Ridge

(3) Date: OCT 6th 2000

(4) Full name of fourth
joint inventor: Liam J. Stannard

(4) Residence: 1584 Prospect Road
Lawrenceville, Georgia 30043

(4) Post Office Address: Same as above

(4) Citizenship: United States

(4) Inventor's signature: J. Stannard

(4) Date: Oct 6th 2000

(5) Full name of fifth joint inventor: Donald W. Cash

(5) Residence: 1748 Vanderlyn Drive
Dunwoody, Georgia 30338

(5) Post Office Address: Same as above

(5) Citizenship: United States

(5) Inventor's signature: Donald W. Cash

(5) Date: OCTOBER 6, 2000

Title 37, Code of Federal Regulations, § 1.56

**SECTION 1.56. DUTY TO DISCLOSE INFORMATION
MATERIAL TO PATENTABILITY**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98.* However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office; or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

* §§1.97(b)-(d) and 1.98 relate to the timing and manner in which information is to be submitted to the Office.

JOINT TO CORPORATE ASSIGNMENT

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OCT 23 2000

OFFICE OF PETITIONS

WHEREAS, the undersigned Inventors

(1) David L. Multer
a resident of 32 Eastridge Drive, Santa Cruz, California 95060; and

(2) Robert E. Garner
a resident of 309 Hidden Wood Court, Lawrenceville, Georgia 30043; and

(3) Leighton A. Ridgard
a resident of 4152 Flakes Mill Manor Lane, Ellenwood, Georgia 30294; and

(4) Liam J. Stannard
a resident of 1584 Prospect Road, Lawrenceville, Georgia 30043; and

(5) Donald W. Cash
a resident of 1748 Vanderlyn Drive, Dunwoody, Georgia 30338; and

have invented certain new and useful improvements in:

DATA TRANSFER AND SYNCHRONIZATION SYSTEM

and have executed a declaration or oath for an application for a United States patent disclosing and identifying the invention.

WHEREAS fusionOne, Inc. (hereinafter termed "Assignee"), a corporation of the State of Delaware, having a place of business at 55 Almaden Boulevard, Suite 800, San Jose, State of California, wishes to acquire the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, certificates of invention and other forms of protection thereon (hereinafter termed "patents") applied for or granted in the United States and/or other countries.

NOW THEREFORE, for good and valuable consideration acknowledged by each of said Inventors to have been received in full from said Assignee:

1. Said Inventors do hereby sell, assign, transfer and convey to said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply in any or all countries of the world for patents, certificates of inventions or other governmental grants on said invention, including the right to apply for patents pursuant to the International Convention for the Protection of Industrial Property or pursuant to any other convention, treaty, agreement or understanding; (c) in and to any and all applications filed and any and all patents, certificates of inventions or other governmental grants granted on said invention in the United States or any other country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications; (d) in and to each and every reissue or extension of any of said patents; and (e) in and to each and every patent claim resulting from a reexamination certificate for any and all of said patents.

2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right, title and interest herein conveyed in the United States and other countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, executing of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for complying with any duty of disclosure; (c) for prosecuting any of said applications; (d) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (e) for filing and prosecuting applications for reissue of any of said patents; (f) for interference or other priority proceedings involving said invention; and (g) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, reexamination proceedings, compulsory licensing proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.

3. The terms and covenants of this Assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.

4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Inventors have executed this instrument on the date of acknowledgement before the Notary Public as given below and delivered this instrument to said Assignee:

1. — On the Date of Execution of Declaration for Patent Application set forth below adjacent to my signature;
- Or
2. Said application having SC/Serial Number 09/491,694 and filed on the 26th day of January, 2000.

Date of Execution of Declaration for Patent Application: Oct 6, 2000

(1)

(Inventor's Signature) David L. Multer

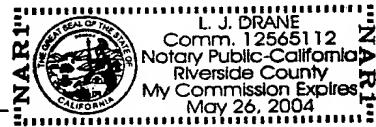
State of California
County of Santa Clara

On October 6, 2000 before me, LORI J. DRANE
(name and title of officer)

personally appeared David L. Multer, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature LJ Drane



1. — On the Date of Execution of Declaration for Patent Application set forth below adjacent to my signature;

Or

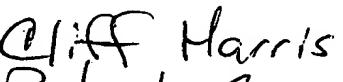
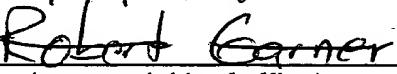
2. Said application having SC/Serial Number 09/491,694 and filed on the 26th day of January, 2000.

Date of Execution of Declaration for Patent Application: 10/9/2000

(2)


(Inventor's Signature) Robert E. Garner

State of Ga.
County of Hall
On 10-9-00 before me,

(name and title of officer)

personally appeared Robert E. Garner, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Cliff Harris

Notary Public, Hall County, Georgia
My Commission Expires Dec. 15, 2003

1. — On the Date of Execution of Declaration for Patent Application set forth below adjacent to my signature;

Or

2. Said application having SC/Serial Number 09/491,694 and filed on the 26th day of January, 2000.

Date of Execution of Declaration for Patent Application: October 6, 2000

(3) Leighton A. Ridgard
(Inventor's Signature) Leighton A. Ridgard

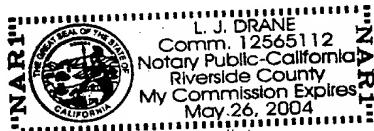
State of California
County of Santa Clara

On October 6, 2000 before me, LORI J DRANE
(name and title of officer)

personally appeared Leighton A. Ridgard, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature LJDRANE



1. — On the Date of Execution of Declaration for Patent Application set forth below adjacent to my signature;

Or

2. Said application having SC/Serial Number 09/491,694 and filed on the 26th day of January, 2000.

Date of Execution of Declaration for Patent Application: October 6, 2000

(4) 

(Inventor's Signature) Liam J. Stannard

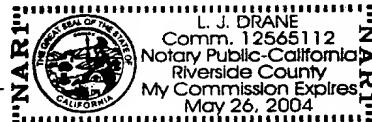
State of California)
County of Santa Clara)

On October 6, 2000 before me, LORI J. DRANE
(name and title of officer)

personally appeared Liam J. Stannard, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature J. M. Moore



1. — On the Date of Execution of Declaration for Patent Application set forth below adjacent to my signature;
- Or
2. Said application having SC/Serial Number 09/491,694 and filed on the 26th day of January, 2000.

Date of Execution of Declaration for Patent Application: OCTOBER 6, 2000

(5) Donald W Cash
(Inventor's Signature) Donald W. Cash

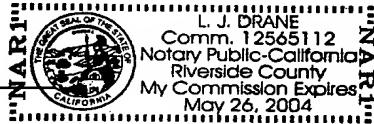
State of California
County of Santa Clara

On October 6, 2000 before me, LORI J. DRANE
(name and title of officer)

personally appeared Donald W. Cash, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature LJ Drane



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) **PATENT APPLICATION**
Inventor(s): David L. Multer, et al.)
SC/Serial No.: 09/491,694) Art Unit: 2781
Filed: January 26, 2000) Examiner: Unassigned
Title: DATA TRANSFER AND) **Customer No. 23910**
SYNCHRONIZATION SYSTEM)
)

**STATEMENT OF ROBERT E. GARNER IN SUPPORT OF
PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. §1.48(a)**

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I, ROBERT E. GARNER, declare that:

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1. The inventive entity was set forth in error in the above-identified patent application on the Declaration for the patent application executed by David L. Multer on May 9, 2000 regarding the above-identified patent application (hereinafter "Erroneous Declaration").
2. I was not named as an inventor in the Erroneous Declaration.
3. I am an actual inventor in the above-identified patent application.
4. The error in not naming me on the Erroneous Declaration occurred without deceptive intent on my part.
5. I understand that this Statement will be filed in the United States Patent and Trademark Office in order to provide satisfactory evidence indicating the error in inventorship in the above-identified application did not involve deceptive intent on my part.

Date: 10/9/2000

By: MRG
Robert E. Garner

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) PATENT APPLICATION
Inventor(s): David L. Multer et al.)
SC/Serial No.: 09/491,694) Art Unit: 2781
Filed: January 26, 2000) Examiner: Unassigned
Title: DATA TRANSFER AND) Customer No. 23910
SYNCHRONIZATION SYSTEM)
)



STATEMENT OF LEIGHTON A. RIDGARD IN SUPPORT OF
PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)

I, LEIGHTON A. RIDGARD, declare that:

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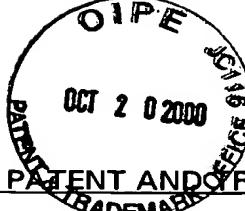
1. The inventive entity was set forth in error in the above-identified patent application on the Declaration for the patent application executed by David L. Multer on May 9, 2000 regarding the above-identified patent application (hereinafter "Erroneous Declaration").
2. I was not named as an inventor in the Erroneous Declaration.
3. I am an actual inventor in the above-identified patent application.
4. The error in not naming me on the Erroneous Declaration occurred without deceptive intent on my part.
5. I understand that this Statement will be filed in the United States Patent and Trademark Office in order to provide satisfactory evidence indicating the error in inventorship in the above-identified application did not involve deceptive intent on my part.

Date: OCT 6 2000

By:

Leighton A. Ridgard

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:	)	<u>PATENT APPLICATION</u>
)	
Inventor(s): David L. Multer, et al.	)	Art Unit: 2781
)	
SC/Serial No.: 09/491,694	)	Examiner: Unassigned
)	
Filed: January 26, 2000)	
)	
Title: DATA TRANSFER AND SYNCHRONIZATION SYSTEM	)	<u>Customer No. 23910</u>
)	

STATEMENT OF LIAM J. STANNARD IN SUPPORT OF
PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. §1.48(a)

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I, LIAM J. STANNARD, declare that:

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1. The inventive entity was set forth in error in the above-identified patent application on the Declaration for the patent application executed by David L. Multer on May 9, 2000 regarding the above-identified patent application (hereinafter "Erroneous Declaration").

2. I was not named as an inventor in the Erroneous Declaration.

3. I am an actual inventor in the above-identified patent application.

4. The error in not naming me on the Erroneous Declaration occurred without deceptive intent on my part.

5. I understand that this Statement will be filed in the United States Patent and Trademark Office in order to provide satisfactory evidence indicating the error in inventorship in the above-identified application did not involve deceptive intent on my part.

Date: Oct 6 2000

By:

Liam J. Stannard

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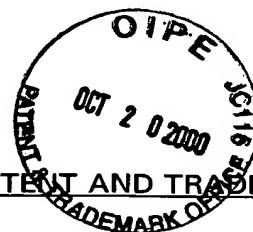
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	<u>PATENT APPLICATION</u>
)	
Inventor(s): David L. Multer, et al.	)	Art Unit: 2781
)	
SC/Serial No.: 09/491,694	)	Examiner: Unassigned
)	
Filed: January 26, 2000)	
)	
Title: DATA TRANSFER AND SYNCHRONIZATION SYSTEM	)	<u>Customer No. 23910</u>
)	

STATEMENT OF DONALD W. CASH IN SUPPORT OF
PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. §1.48(a)

I, DONALD W. CASH, declare that:

1. The inventive entity was set forth in error in the above-identified patent application on the Declaration for the patent application executed by David L. Multer on May 9, 2000 regarding the above-identified patent application (hereinafter "Erroneous Declaration").

2. I was not named as an inventor in the Erroneous Declaration.

3. I am an actual inventor in the above-identified patent application.

4. The error in not naming me on the Erroneous Declaration occurred without deceptive intent on my part.

5. I understand that this Statement will be filed in the United States Patent and Trademark Office in order to provide satisfactory evidence indicating the error in inventorship in the above-identified application did not involve deceptive intent on my part.

Date: OCTOBER 6, 2000

By: Donald W. Cash
Donald W. Cash